

### **REMARKS**

Applicants submit this paper in response to the Final Office Action dated May 4, 2009.

By way of this paper, claim 1 is amended, and support for the amendments to independent claim 1 can be found throughout the specification, as originally filed.. The remaining amendments to the claims are merely formal in nature. Therefore, no new matter has been added.

The accompanying amendments are proper for entry under 37 C.F.R. §1.116 practice because they do not present new issues requiring further search or consideration. Specifically, while a variety of the claims are amended, the newly recited language might easily have been expected to be claimed in the application. As such, the examiner should have already searched and considered these features in accordance with MPEP §904.02, which advises that examiner's should search the claimed subject matter as well as any disclosed features which might reasonably be expected to be claimed. Finally, the amendments should be entered because they overcome the rejections set forth in the previous office action, and because they place the application in condition for allowance (or in better condition for appeal).

In light of the foregoing amendments to the claims and the following remarks, Applicants believe the present application is in condition for allowance and respectfully request the Office to acknowledge the same.

### **REJECTIONS UNDER 35 U.S.C. §102 & 103**

Claim 11 stands rejected under 35 U.S.C. §102 as being assertedly anticipated by Wasmuht et al. (US 5,865,093). Claims 1, 2, 4, and 8 stand rejected under 35 U.S.C. §103 as being assertedly obvious over Wasmuht in view of DE 3504500 and DE 3442516. Claims 1 and 7-10 stand rejected under 35 U.S.C. §103 as being assertedly obvious over DE 3504500 in view of Wasmuht, EP 0605783 and DE 3442516. Finally, claims 3, 5 and 6 are objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims. (The indication of allowable subject by the Examiner is noted with appreciation.)

Amended claim 1 recites a device for brewing beer having a container body to receive wort reservoir as forming a liquid level; an internal boiler located in the container body which is provided with a heat exchanger connected to a mouth opening with the mouth opening being arranged above the liquid level; a first flow-guiding baffle surface located distant to and above the mouth opening of the heat exchanger; where the first wort cycle is provided as heat induced and running through the heat exchanger and leaving the heat exchanger through the mouth opening for abutting the first guiding screen and being deflected back to the wort reservoir; a pipe subsection of a wort circulation pipe including a pump; the pipe subsection having a cross section less than the mouth opening and extending through the mouth opening and the first flow-guiding surface, the pipe subsection including a outlet opening arranged above the first flow-guiding surface, and a second flow-guiding baffle surface arranged distant to and above the outlet opening, where a second wort cycle is provided as induced by the pump and running through the pipe subsection and leaving the pipe subsection through the outlet opening for abutting the second flow-guiding baffle surface and being deflected back to the wort reservoir. Thus, as amended, claim 1 includes substantial additional structure including, among others, where the wort reservoir forms a liquid level, the internal boiler has a heat exchanger that is connected to a mouth opening and the mouth opening being arranged above the inlet level, a first flow guiding baffle surface, a pipe subsection of a wort circulation pipe including a pump, and a second flow-guiding baffle surface and a second wort cycle.

Thus, as amended, independent claim 1 differs from Wasmuht '093 by claiming a pipe subsection extending through a mouth opening of a heat exchanger and to a first flow-guiding surface arranged above the heat exchanger. Wasmuht further fails to disclose an outlet opening of the pipe subsection which is arranged above the first flow guiding surface and a second flow guiding baffle surface which is arranged above the outlet opening for providing a second wort cycle which runs through the pipe subsection and leaving the pipe subsection through the outlet opening for abutting the second flow-guiding baffle surface, and for being deflected back to the wort reservoir.

Amended claim 1 also differs from DE 3504500 by the features as mentioned above with respect to Wasmuht, and, in addition, by a wort circulation pipe which includes the pump and the pipe subsection for providing a second wort cycle.

Amended claim 1 then also differs from DE 34 42 516 by the various features which are also not shown from DE 3504500, namely by claiming a pipe subsection extending through a mouth opening of a heat exchanger and to a first flow-guiding surface arranged above the heat exchanger, and an outlet opening of the pipe subsection which is arranged above the first flow guiding surface and a second flow guiding baffle surface which is arranged above the outlet opening for providing a second wort cycle which runs through the pipe subsection and leaving the pipe subsection through the outlet opening for abutting the second flow-guiding baffle surface, and for being deflected back to the wort reservoir.

With respect to EP 605783, as cited in the present Office Action, amended claim 1 differs from that reference by claiming a wort circulation pipe including a pump, with a pipe subsection thereof extending through the mouth opening of the heat exchanger and through the first flow-guiding baffle surface. Again, no second wort cycle is induced by a pump.

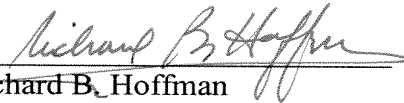
In light of the foregoing, it is respectfully submitted that none of the references of record (Wasmuht '093, DE 3504500, DE 3442516, EP0605783) or any other reference of record disclose or suggest each and every limitation of independent claim 1 as amended. Therefore, Applicant's kindly request the Examiner to reconsider and withdraw the outstanding anticipation and obviousness rejections.

**CONCLUSION**

Applicants believe that each of the outstanding rejections, objections, and/or other concerns have either been accommodated, traversed or rendered moot. Therefore, the application is considered to be in condition for allowance. Should there remain any outstanding issue that the Office may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

Dated: August 4, 2009

Respectfully submitted,

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